

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

COLONY PLACE SOUTH, INC.	)	
d/b/a VOLVO CARS PLYMOUTH	)	
and 25 FALMOUTH ROAD, INC.	)	
d/b/a VOLVO CARS CAPE COD	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 1:21-cv-11226-GAO
	)	
VOLVO CAR USA LLC, FIDELITY	)	
WARRANTY SERVICES, INC.	)	
	)	
Defendants.	)	
	)	
	)	
_____	)	

**Notice of Appeal**

Notice is hereby given that the Plaintiffs, Colony Place South, Inc. d/b/a Volvo Cars Plymouth and 25 Falmouth Road, Inc. d/b/a Volvo Cars Cape Cod (collectively, the “Plaintiffs”), hereby appeal to the United States Court of Appeals for the First Circuit from the Judgment In A Civil Case entered in the above captioned action on August 29, 2023 allowing the Motion for Summary Judgment [Dkt. No. 60] filed by the Defendants, Volvo Cars USA LLC and Fidelity Warranty Services, Inc., pursuant to Rule 56 of the Federal Rules of Civil Procedure and that portion of the Court’s Electronic Order [Dkt. No. 79] which denied Plaintiffs’ Cross-Motion for Summary Judgment [Dkt. No. 63].

[Signature Page to Follow]

Respectfully submitted,  
**COLONY PLACE SOUTH, INC.**  
**d/b/a VOLVO CARS PLYMOUTH, and**  
**25 FALMOUTH ROAD, INC.**  
**d/b/a VOLVO CARS CAPE COD,**  
By its attorneys,

/s/ James J. McNulty  
James J. McNulty (BBO No. 339940)  
Ryan M. Tradd (BBO No. 691840)  
40 Court Street, Suite 1150  
Boston, MA 02108-2202  
Tel. (617) 263-3300  
Fax. (617) 263-1401  
*jjm@jjmcnultylaw.com*  
*rtradd@jjmcnultylaw.com*

and

/s/ Jason T. Allen  
Jason T. Allen, Esq. (FBN 25659)  
W. Kirby Bissell, Esq. (FBN 0100166)  
Bass Sox Mercer  
2822 Remington Green Circle  
Tallahassee, FL 32308  
Tel. (850) 878-6404  
*jallen@dealerlawyer.com*  
*kbissell@dealerlawyer.com*

DATED: September 25, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed through the Electronic Court Filing system on September 25, 2023, and served electronically on all counsel of record.

/s/ James J. McNulty  
James J. McNulty